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Attorneys for Defendant, Tango Transport, Inc.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION

UPS SUPPLY CHAIN SOLUTIONS, INC. f/k/a EMERY AIR FREIGHT ş CORPORATION, Plaintiff, VS. TANGO TRANSPORT, INC., and DOES 1 through 10, inclusive, Defendant(s).

CIVIL ACTION NO. C-07-4389 WHA

JOINT STIPULATIONTO DISMISS CASE WITHOUT PREJUDICE

Plaintiff, UPS SUPPLY CHAIN SOLUTIONS, INC., f/k/a EMERY AIR FREIGHT CORPORATION ("UPS-SCS"), and, Defendant TANGO TRANSPORT, INC. ("TANGO"), through their respective attorneys of record, hereby stipulate and request the Court dismiss this matter without prejudice to the filing of an action, at any time on or before January 31, 2009, for

Page 2 of 4

claims arising from the loss of property alleged to have occurred on or about July 28, 2005, as more fully described in the pleadings of the parties in this lawsuit.

WHEREFORE, premises considered, Plaintiff, UPS-SCS and Defendant, TANGO, jointly request the Court to dismiss without prejudice case no. C-07-4389 WIIA.

PRUCE A. LINDS

By:

BRUCE A. LINDSAY

Attorneys for plaintiff, UPS SUPPLY CHAIN SOLUTIONS, INC. 1/k/a EMERY AIR

FREIGHT CORPORATION

Dated: May 13, 2008

CUNNINGHAM ROBERTS,

STRIPLING, L.L.P.

H. N. CUNNINGHAM, III JAMES C. BAKER

By:

Attorneys for defendant Tango Transport, Inc.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

UPS SUPPLY CHAIN SOLUTIONS, INC.	§
f/k/a EMERY AIR FREIGHT	§ NO. C-07-4389 WHA
CORPORATION,	§
	§
Plaintiff,	§
	§ ORDER DISMISSING CASE WITH-
VS.	§ OUT PREJUDICE
	§
TANGO TRANSPORT, INC., and	§
DOES 1 through 10, inclusive,	§
	§
Defendant(s).	§

Came before the Court the Joint Stipulation of the Parties to Dismiss the Case without Prejudice filed by Plaintiff, UPS SUPPLY CHAIN SOLUTIONS, INC., f/k/a EMERY AIR FREIGHT CORPORATION ("UPS-SCS"), and, Defendant TANGO TRANSPORT, INC. ("TANGO"). The Court having considered the parties' stipulation relating to the settlement of this matter, IT IS THEREFORE ORDERED AS FOLLOWS:

1. Case number C-07-4389 WHA is ordered dismissed without prejudice to the filing of an action on or before January 31, 2009, for claim of loss or damage occurring on or about July 28, 2005 which has been the subject of this lawsuit;

2. The trial of August 25, 2008 is vacated and the pre-trial conference of August 4, 2008 is ordered off-calendar.

IT IS SO ORDERED.

Dated: May ____, 2008

WILLIAM ALSUP UNITED STATES DISTRICT JUDGE